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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRODERICK MAGEE

CIVIL ACTION NO. 14-468

VERSUS

JUDGE DOHERTY

ENSCO OFFSHORE CO., ET AL.

MAGISTRATE JUDGE HANNA

MEMORANDUM RULING

Currently pending before the Court is a motion for summary judgment [Doc. 30], filed by defendant Hornbeck Offshore Services, LLC (“Hornbeck”). By way of its motion, defendant seeks dismissal of “Plaintiff’s claims against it for unseaworthiness and punitive damages.” [Id. at 1] The motion is unopposed.¹

Defendant argues plaintiff’s claim of unseaworthiness against it must be dismissed, because:

In sum, no genuine issue [of material fact] exists as to whether (1) Plaintiff as a Jones Act seaman employed by [co-defendant] ENSCO and assigned to the ENSCO 8501; (2) Hornbeck was not Plaintiff’s employer; and (3) Plaintiff was not a member of the [Hornbeck] *Silver Arrow* crew. Since he was not a member of the crew of the *Silver Arrow*, Plaintiff has no claim for unseaworthiness against Hornbeck as a matter of law, and Hornbeck is entitled to summary judgment dismissing Plaintiff’s unseaworthiness claim, with prejudice.

[Doc. 30-1, p. 8 (citing *Smith v. Harbor Towing & Fleeting, Inc.*, 910 F.2d 312, 315 (5th Cir. 1990))]

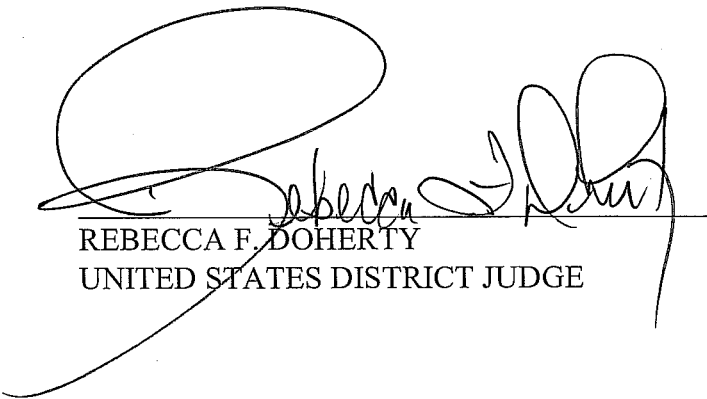
Defendant argues plaintiff’s claim against it for punitive damages should be “dismissed, with prejudice, since it is undisputed that [plaintiff] only asserts general maritime law claims (*i.e.*,

¹The deadline for submission of a memorandum in opposition to the motion for summary judgment has passed, and no opposition has been received by the Court. [Doc. 31] Accordingly, the motion is deemed unopposed. [Id.]

unseaworthiness and general maritime negligence) against Hornbeck, and non-pecuniary damages (i.e., punitive damages) are not recoverable under the general maritime law.” [Doc. 30, p. 1; *see also* Doc. 30-1, pp. 8-9 (citing *McBride v. Estis Well Service, L.L.C.*, 768 F.3d 382, 390-91 (5th Cir. 2014))]

The motion for summary judgment [Doc. 30], appearing to be well-founded in law and fact and being unopposed by plaintiff, is hereby GRANTED, and plaintiff’s claims against Hornbeck for unseaworthiness and punitive damages are hereby DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 11th day of March, 2015.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE